

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

ANTHONY DAVID TEAGUE

Movant,

vs.

No. CV 21-0582 RB/JFR  
No. CR 03-1133 RB

UNITED STATES OF AMERICA,

Respondent.

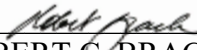
**MEMORANDUM OPINION AND ORDER DENYING LEAVE TO PROCEED  
ON APPEAL WITHOUT PREPAYMENT OF COSTS OR FEES**

THIS MATTER is before the Court on Mr. Teague’s Application for Leave to Proceed In Forma Pauperis. (Doc. 6.) Teague seeks to obtain permission from the Tenth Circuit to file a second or successive motion under 28 U.S.C. § 2255 without prepaying the \$505.00 filing fee. Such relief is only available where a prisoner’s “affidavit [and] . . . statement of all assets such prisoner possesses [demonstrates] that the [prisoner] is unable to pay such fees or give security therefor.” 28 U.S.C. § 1915(a)(1). Teague’s affidavit and inmate account statement demonstrate he is able to make the payment. (*See* Doc. 6 at 1, 3.) He received an “IRS COVID relief check for \$1,400.00” and his “family helps [him] with \$150/month.” (*Id.* at 1.) The current balance in his inmate account is \$1,541.06. (*Id.* at 3.)

The Motion will, therefore, be denied, and Teague must pay the \$505.00 filing fee. Teague should include the civil action number (21-cv-0582 RB/JFR) on all papers filed in this proceeding.

**IT IS THEREFORE ORDERED** that Mr. Teague’s Application for Leave to Proceed In Forma Pauperis (Doc. 6) is DENIED; and Teague must submit the \$505.00 filing fee.

**IT IS FURTHER ORDERED** that the Clerk is directed to provide Teague with two copies of this order, and that Teague make the necessary arrangements to attach one copy of this order to the check in the amount of the necessary payment.

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ROBERT C. BRACK  
SENIOR U.S. DISTRICT JUDGE